

Message Text

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ACTION PM-07

INFO OCT-01 ARA-11 ADP-00 SS-15 NSC-10 IGA-02 L-03 ABF-01

CIAE-00 INR-10 NSAE-00 RSC-01 TRSE-00 OMB-01 AID-20

RSR-01 /083 W

----- 068282

P 271954 Z JUN 73

FM AMEMBASSY BUENOS AIRES

TO SECDEF WASHDC// ASD: ISA(SA)/ DSAA// PRIORITY

INFO SECSTATE WASHDC PRIORITY 2607

USCINCSO QUARRY HTS CZ PRIORITY

C O N F I D E N T I A L BUENOS AIRES 4567

SECDEF FOR ASD/ ISA(SA)/ DSAA

E. O. 11652: GDS

TAGS: MASS, AFIN, US, AR

SUBJ: FY 72 TEN PERCENT DEPOSIT PAYMENT FOR ARGENTINA

REF: A. SECDEF 221902 Z JUN 73

B. EMBASSY DIPLOMATIC NOTE NO 44 OF 4 APR 72 TO GOA

C. SECSTATE 027019 DTG 161759 Z FEB 72

D. BUENOS AIRES 4284 OF 15 JUN 73

E. BUENOS AIRES 4428 OF 22 JUN 73

1. UPON RECEIPT OF YOUR MESSAGE (REF A) ACTIONS ARE BEING INITIATED WITH HOST GOVERNMENT IN ATTEMPT TO CONVINCE THEM TO PAY TEN PERCENT DEPOSIT ON FULL AMOUNT OF ORIGINAL BILLING. WE DO ANTICIPATE PROBLEMS HERE HOWEVER AND DO NOT UNDERSTAND THE CONCEPT OF QUOTE CONSTRUCTIVE DELIVERY UNQUOTE AS IT APPLIES TO OTHER TECHNICAL ASSISTANCE (MAP ORDER 26 OF 12 JUN 72 - YZ50 - M1 E) AND TRAINING AIDS AND DEVICES (MAP ORDER 22 OF 24 APR 72 - PC32 - J5 Z). AS DEFINED IN MASM II APPENDIX A-2, PARA 14, CONSTRUCTIVE DELIVERY APPLIES TO MATERIEL AND APPARENTLY NOT TO TRAINING. CONSTRUCTIVE DELIVERY IS SPECIFICALLY DEFINED QUOTE DELIVERY OF MATERIEL TO A CARRIER -- LAND, OCEAN, OR AIR -- FOR TRANSPORTATION TO A CONSIGNEE, OR WHEN DELIVERED " FREE ON CONFIDENTIAL

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BOARD" (FOB) OR " FREE ALONGSIDE SHIP" (FAS) AT A PORT OF EMBARK-
ATION FOR TRANSHIPMENT TO A CONSIGNEE UNQUOTE. THIS DEFINITION
IS APPARENTLY NOT FULLY APPLICABLE IN THE INSTANT CASE.

2. IN LIGHT OF PROBLEMS ANTICIPATED HERE, REQUEST UPDATED DEFINI-
TION OF QUOTE CONSTRUCTIVE DELIVERY UNQUOTE APPLICABLE TO ALL
TRAINING LINES AND OTHER APPROPRIATE INFORMATION WHICH CAN BE
PROVIDED TO HOST GOVERNMENT. THIS INFORMATION ESSENTIAL TO
CLARIFY EMBASSY DIPLOMATIC NOTE 44 (REF B).

3. IN VIEW OF INTERPRETATION BY REF A OF AMBIGUOUS WORDS OF
EMBASSY DIPLOMATIC NOTE 44 (REF B) BASED ON SECSTATE MESSAGE
(REF C), WHICH INTERPRETATION MIGHT APPEAR UNFAVORABLE TO AND BE
DISPUTED BY GOA, BEST ALTERNATIVE IN THIS CASE WOULD BE FOR U. S.
TO ADJUST BILLING AS REQUESTED IN MY MESSAGE OF 15 JUNE (REF D).
WITH APPROPRIATE CLARIFICATION MADE TO HOST GOVERNMENT CONCERNING
THE U. S. DEFINITION OF " DELIVERY", WE WOULD ANTICIPATE NO
PROBLEMS IN FUTURE BILLINGS. IF ADJUSTMENT OF FY 72 BILLING IS
IMPOSSIBLE, WE WILL INITIATE OTHER ALTERNATIVES WHICH ARE:

A. ATTEMPT TO CONVINCE HOST GOVERNMENT TO PAY 10 PERCENT ON
FULL AMOUNT OF ORIGINAL BILL; OR

B. REQUEST CANCELLATION OF MAP ORDER TRAINING LINES IN
QUESTION THEREBY REDUCING THE HOST GOVERNMENT OBLIGATION FOR FY
72 TEN PERCENT DEPOSIT PAYMENT TO AMOUNT WHICH THEY RECOGNIZE.
SHOULD THIS ALTERNATIVE BE REQUIRED, ACTIONS WOULD BE INITIATED
TO REPROGRAM ESSENTIAL FY72 LINES OUTSTANDING IN FY74 PROGRAM.

4. REQUEST EARLIEST ADVICE. IF EXTENSION ON 30 JUNE DEADLINE IS
NOT GRANTED AS REQUESTED IN REF E, WE MAY FACE EARLY CRISIS WITH
REGARD TO MAINTAINING IN- COUNTRY THE C-130 MTT WHICH IS JUST
BEGINNING ITS HIGHLY IMPORTANT TRAINING MISSION.
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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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To: PM
SECSTATE WASHDC
USCINCSO QUARRY HTS CZ
WASHDC// ASD: ISA(SA)/ DSAA//
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